

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**December 31, 2007**

- C052801      THE PEOPLE v. CURRY et al.      (Certified for Publication)**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur:    Sims, Acting P.J.  
Hull, J.
- C055263      THE PEOPLE v. DAUGENTI      (Not for Publication)**  
The judgment is affirmed.  
SCOTLAND, P.J.  
We Concur:    Sims, J.  
Morrison, J.
- C054709      SHACKLEY et al. v. COUNTY OF CALAVERAS      (Not for Publication)**  
The order denying plaintiffs' section 946.6 petition for relief is affirmed.  
DAVIS, J.  
We Concur:    Blease, Acting P.J.  
Hull, J.
- C054508      In re J.M. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. BRUCE M. et al.      (Not for Publication)**  
The orders of the juvenile court are affirmed.  
BUTZ, J.  
I concur:       Davis, Acting P.J.  
I concur fully in the majority opinion. ...  
Raye, J.

**January 1, 2008**

**There are no minutes for this date.**

**January 2, 2008**

**MISC. ORDER 2008-001**

This order supersedes Miscellaneous Order 2006-006 and subsequent Amended Miscellaneous Order 2006-006 effective October 2, 2006, Miscellaneous Order 2006-016, Miscellaneous Order 2007-001, and Miscellaneous Order 2007 009, all relating to the implementation of the Mediation Program adopted by the Court of Appeal, Third Appellate District. (See Ct. App. Third Dist., Local Rules of

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**January 2, 2008, continued**

Ct., rule 1, Mediation in Civil Appeals (*adopted eff. October 2, 2006, and amended eff. March 2, 2007*).

BY THE COURT:

Upon filing of any civil notice of appeal, the provisions of rules 8.121 and 8.216 of the California Rules of Court requiring designation of the record and payment of estimated costs for preparation of the record or the filing of a proposed briefing sequence are suspended, pending this court's decision to select or not select the civil appeal for mediation. If a civil appeal is selected for mediation, then the suspension of rules 8.121 and 8.216 remains in effect until completion of mediation. If a civil appeal is not selected for mediation, the coordinator of the Mediation Program must concurrently notify the parties, the superior court, and this court, in writing, that suspension of rules 8.121 and 8.216 are terminated. The parties' obligation to comply with the requirements of rules 8.121 or 8.216 commences as if notice of appeal was filed on the date specified in the notification.

If the parties stipulate to placement of a civil appeal in the Mediation Program, then upon the superior court's timely receipt of its copy of that stipulation, the provisions of rules 8.121 and 8.216 requiring designation of the record and payment of the estimated costs of preparation of the record or the filing of a proposed briefing sequence are suspended. If this court accepts the stipulation and refers the case for mediation, suspension of rules 8.121 and 8.216 remains in effect until completion of mediation. If the case is not referred to mediation, the coordinator of the Mediation Program must concurrently notify the parties, the superior court, and this court, in writing, that suspension of rules 8.121 and 8.216 are terminated. The parties' obligation to comply with the requirements of rules 8.121 or 8.216 commences as if notice of appeal was filed on the date specified in the notification.

If completion of mediation does not result in disposition of the appeal, the coordinator of the Mediation Program must, within 10 days after notice of completion of the mediation, notify the parties, the superior court, and this court, in writing, that suspension of rules 8.121 and 8.216 are terminated. The parties' obligation to comply with the requirements of rules 8.121 or 8.216 commences as if notice of appeal was filed on the date specified in the notification.

Nothing in this order prohibits the superior court from collecting the deposit required by section 68926.1 of the Government Code and by rule 8.100(b)(2) of the California Rules of Court.

Any appeal taken from a judgment or order entered in a conservatorship proceeding is exempt from this court's Appellate Mediation Program. Any appeal taken from a judgment or order entered in an action brought pursuant to Public Resources Code sections 21167, 21168, or 21168.5, to challenge acts, decisions, determinations or findings of a public agency for noncompliance with the California Environmental Quality Act, is also exempt from this court's Mediation Program. Appeals in these cases are not subject to the automatic stay of record designation

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**January 2, 2008, continued**

or preparation otherwise provided in Local Rule 1. However, nothing in this order shall preclude the parties from stipulating to participation in the Mediation Program.

Dated: January 2, 2008

SCOTLAND, P.J.

**C052192      In re MATHEW W.; THE PEOPLE v.  
MATHEW W.  
BY THE COURT:**

Appellant's petition for rehearing is granted. The decision filed on December 3, 2007, is vacated.

BLEASE, Acting P.J.

**January 3, 2008**

**C051899      THE PEOPLE v. LABORIN      (Not For Publication)**

The judgment is modified to include as true enhancement allegations ... as to count one, and ... as to count three, and to stay these enhancements .... In all other respects, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification and to forward same to the Department of Corrections and Rehabilitation.

NICHOLSON, Acting P.J.

We Concur: Raye, J.

Butz, J.

**C054227      THE PEOPLE v. JARRAR      (Not For Publication)**

The judgment is affirmed.

NICHOLSON, Acting P.J.

We Concur: Raye, J.

Morrison, J.

**C054513      THE PEOPLE v. MCEVOY      (Not For Publication)**

The judgment is affirmed.

BLEASE, J.

We Concur: Scotland, P.J.

Davis, J.

**C053804      ECHEVARRIA v. PACIFIC BELL      (Not For Publication)  
TELEPHONE COMPANY**

The judgment is affirmed. Costs on appeal are awarded to defendant. ...

NICHOLSON, Acting P.J.

We Concur: Raye, J.

Morrison, J.

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**January 4, 2008**

**C051548      THE PEOPLE v. COURTNEY      (Not For Publication)**

The judgment is affirmed.

MORRISON, J.

We Concur:    Scotland, P.J.

Cantil-Sakauye, J.

**C053394      THE PEOPLE v. HARRIS      (Not For Publication)**

The judgment is affirmed.

HULL, J.

We Concur:    Blease, Acting P.J.

Davis, J.

**C053816      THE PEOPLE v. KIRCHNER      (Not For Publication)**

**C053922      THE PEOPLE v. WEAVER**

The section 12022, subdivision (b) (1) deadly weapon use enhancement is stricken from the judgments. The matter is remanded with direction to the trial court to issue and send to each appropriate person a certified copy of an amended abstract of judgment. The judgments are otherwise affirmed.

BLEASE, Acting P.J.

We Concur:    Davis, J.

Hull, J.